

**Informal Meeting Summary  
Monday, August 17, 2009  
Meeting Scheduled Start Time: 10:00 AM**

**BOARD OF SUPERVISORS  
Maricopa County, Arizona  
(and the Boards of Directors of the Flood Control District,  
Library District, Stadium District, Improvement Districts,  
and/or Board of Deposit)**



"The mission of Maricopa County is to provide regional leadership and fiscally responsible, necessary public services to its residents so they can enjoy living in healthy and safe communities"

**Board Members**

Max Wilson, District 4, Chairman  
Fulton Brock, District 1  
Don Stapley, District 2  
Andrew Kunasek, District 3  
Mary Rose Wilcox, District 5

**County Manager**

David Smith

**Clerk of the Board**

Fran McCarroll

**Meeting Location**

Supervisors' Auditorium  
205 W. Jefferson  
Phoenix, AZ 85003

**BOARD OF SUPERVISORS**

**(and the Boards of Directors of the Flood Control District, Library District,  
Stadium District, Improvement Districts and/or Board of Deposit)**

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The Board of Supervisors of Maricopa County, Phoenix, Arizona, convened in Informal Session at 10:00 AM on Monday, August 17, 2009, in the Board of Supervisors Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Max Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2; Fulton Brock, District 1 (entered late); Andrew Kunasek, District 3 and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Liz Evans, Minutes Coordinator; David Smith, County Manager; Victoria Mangiapane, Deputy County Attorney.

**The Clerk read the Chairman's Statement regarding County Attorney Conflict:**

"For the record, the Board has previously expressed concerns about the adversarial positions that the county attorney's office has often taken against the board. This concern has caused the Board to retain independent counsel to analyze this apparent ethical conflict and to take actions that may be warranted. The analysis and response is ongoing. In light of these concerns, the Board in no way waives any conflict or ethical issues that exist as a result of the county attorney's presence here."

## **PRESENTATION**

### **Air Quality**

#### **1. PROPOSED PERMIT AMNESTY INITIATIVE - WITHDRAWN**

Presentation regarding the Permit Amnesty Initiative.  
Lawrence Odle, Director

Accept an informational status report on the Air Quality Department's proposed three-month permit amnesty program. The permit amnesty program provides an opportunity for stakeholders previously required to obtain permits from the Air Quality Department and who have not obtained the permits, to voluntarily apply for the required permits without being subject to a penalty. Following this proposed three-month amnesty window, the department will initiate a program to identify those facilities that have not sought a permit. There is no incremental cost associated with this initiative and it is expected to modestly increase permit fee revenue. (C-85-10-005-P-00)

### **MEETING RECESSED**

Chairman Wilson recessed the Board of Supervisors to convene as the Board of Directors of the Coldwater Ranch Street Lighting Improvement District.

### **MEETING RECONVENED**

Supervisor Wilson reconvened the Board of Supervisors.

## **ACTION**

### **Office of Management and Budget**

#### **2. TAX LEVY ADOPTION (COUNTY AND FLOOD CONTROL DISTRICT)**

The Maricopa County Board of Supervisors resolves that:

1. Pursuant to A.R.S. §§ 42-17151 and 48-3620, and based on the budget it has duly adopted for Maricopa County and the budget adopted by the Maricopa County Flood Control District Board of Directors, the Board fixes and determines the Tax Year 2009 tax rates for Maricopa County and the Maricopa County Flood Control District as follows:

- Fiscal Year 2009-10 Maricopa County Primary Tax Rate at \$0.9909 per \$100 of net assessed valuation with a levy of \$492,230,736.
- Fiscal Year 2009-10 Flood Control District Secondary Tax Rate at \$0.1367 per \$100 of net assessed valuation with a levy of \$74,996,804.

2. Based on the amount of taxes to be raised by property taxation determined by each governmental entity set forth in the "Maricopa County 2009 Tax Levy Packet" (attached), the Maricopa County Board of Supervisors has calculated the numerical tax rates necessary to raise the requested revenues, and pursuant to the direction of each such government entity, levies the amounts of taxes and sets the resulting tax rates, all as set forth in the "Maricopa County 2009 Tax Levy Packet", and

3. As required by statute the Maricopa County Board of Supervisors has calculated, and therefore levies the amount of taxes and sets the resulting tax rates for specific statutory purposes as set

forth in the "Maricopa County 2009 Tax Levy Packet".

4. Pursuant to ARS §42-18003, the Maricopa County Treasurer is directed to collect taxes as required by law from the persons listed on the tax roll.

5. Presentation and discussion of the impact of the Board of Supervisors' property tax policies and related future issues.

On November 17, 2008 the Board of Supervisors approved the "Budgeting for Results Budget Policy Guidelines," which included direction for development of the FY 2009-10 budget. County Departments used these guidelines to prepare and submit their budgets. Budget requests were extensively reviewed by the Office of Management and Budget (OMB). Budget balancing reductions were approved by the Board on March 16, March 30 and April 13. The Judicial Branch and all elected officials reached agreement with OMB on their budget recommendations, with the exception of the County Attorney and Treasurer. In coordination with the County Manager, the recommended FY 2009-10 Recommended Budget was presented to the Board for Tentative Adoption on May 18, 2009. The Tentative Budget was published as required by statute. The Board of Supervisors Adopted the FY 2009-10 budget on June 22, 2009.

On December 3, 2008 the Board of Directors approved the policy guidelines that the Flood Control District used to prepare and submit its budget. The budget request has been extensively reviewed by the Office of Management and Budget (OMB). In coordination with the County Manager, the FY 2009-10 Recommended Budget was presented to the Board of Directors and tentatively adopted on May 18, 2009. The Board of Directors Adopted the FY 2009-10 budget on June 22, 2009.

The Flood Control District collects property taxes based on the secondary net assessed values of real property. Unlike the primary property tax rate, there is no constitutional limitation on growth for the secondary property tax rate. However, the Flood Control District Board of Directors has chosen to impose growth limitations similar to those imposed on the primary rate in order to minimize the burden on the taxpayers of Maricopa County. As a result, beginning in FY 2006-07 the secondary rate associated with the Flood Control District was capped at 2% annual growth on property taxed in the prior year.

The Flood Control District Secondary Tax Rate in FY 2007-08 was \$0.1533 per \$100 of net assessed valuation, and reduced to \$0.1367 per \$100 of net assessed value in FY 2008-09. Due to a decline in the total net assessed value of existing property, the self-imposed maximum rate would have increased to \$0.1439 per \$100 of net assessed value. The District Board of Directors, however, has chosen not to increase the tax rate, resulting in a 0.4% increase in the levy from FY 2008-09. (C-49-10-006-2-00)

Supervisor Wilcox asked Sandi Wilson, Deputy County Manager, to explain the possible ramifications that changes in state legislation could have on adoption of the tax levies. Ms. Wilson stated the Board was statutorily required to adopt the tax levies today but a Special Meeting could be held should changes need to be made in order to comply with future legislation. She added that the tax bills can be adjusted if the legislation changes prior to the deadline to mail the tax bills, otherwise the County would be required to issue refund checks. Victoria Mangiapane, County Counsel, affirmed that an Emergency Special Meeting could be held if necessary to meet the tax bill deadline. The Clerk then clarified the issue under discussion is whether the State Legislature will permanently repeal the Education Equalization Property Tax Levy. Supervisor Stapley commented that adoption of the Tax Levy Rates is the most important statutory function of the Board.

**~ Supervisor Brock entered the meeting ~**

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**3. TAX LEVY ADOPTION (SPECIAL DISTRICTS AND STREET LIGHTING IMPROVEMENT DISTRICTS)**

The Maricopa County Board of Supervisors resolves that:

Pursuant to A.R.S. §48-955, and based on the budget duly adopted for each of the County Improvement Districts, the Board of Supervisors fixes and determines the Tax Year 2009 tax rate for each County Improvement District per the FY 2009-10 Budget Schedules entitled "District Assessment of Special Districts" and "Street Lighting Improvement District Levies."

The attached "Direct Assessment of Special Districts" and "Street Lighting Improvement District Levies" budgets have been submitted by the Department of Finance. (C-49-10-008-2-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**MEETING RECESSED**

Chairman Wilson recessed the Board of Supervisors to convene as the Board of Directors of various special districts.

**MEETING RECONVENED**

Chairman Wilson reconvened the Board of Supervisors.

**4. EXECUTIVE SESSION**

Vote to convene in Executive Session to consider items on the Executive Agenda dated August 17, 2009, pursuant to statutory authority listed for each item.

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

**MEETING ADJOURNED**

After discussion of the Executive Agenda items and there being no further business to come before the Board, the meeting was adjourned.

ATTEST:

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Max W. Wilson, Chairman of the Board

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Fran McCarroll, Clerk of the Board

## **IMPROVEMENT DISTRICT**

The Board of Directors of the Maricopa County Coldwater Ranch Street Lighting Improvement District convened in Informal Session at 10:00 AM on Monday, August 17, 2009, in the Board of Supervisors Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Max Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2; Andrew Kunasek, District 3 and Mary Rose Wilcox, District 5. Absent: Fulton Brock, District 1. Also present: Fran McCarroll, Clerk of the Board; Liz Evans, Minutes Coordinator; David Smith, County Manager; Victoria Mangiapane, Deputy County Attorney.

### **PUBLIC HEARING AND ACTION**

#### **I-1. FINAL ADOPTION OF COLDWATER RANCH STREET LIGHTING IMPROVEMENT DISTRICT FY 2009-10 BUDGET**

Pursuant to A.R.S. §48-954, convene a Public Hearing to adopt the Fiscal Year 2009-10 Budget for the Coldwater Ranch Street Lighting Improvement District in the amount of \$16,269.

The Arizona Public Service (APS) June billing for Coldwater Ranch Street Lighting Improvement District, which includes installation and start up costs for the new district, was not received prior to the submission of the Fiscal Year 2009-10 Budget for the County Improvement Districts. The district has been eligible for taxation since 2008 tax year. The estimated budget for the Fiscal Year 2009-10 is \$16,269. (C-49-09-064-2-03)

Motion to approve by: Director Stapley, Seconded by: Director Wilcox  
Ayes: Kunasek, Stapley, Wilcox, Wilson  
Absent: Brock

#### **MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned.

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Max W. Wilson, Chairman of the Board

ATTEST:

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Fran McCarroll, Clerk of the Board

## **LIBRARY DISTRICT**

The Board of Directors of the Library District convened in Informal Session at 10:00 AM on Monday, August 17, 2009, in the Board of Supervisors Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Max Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2; Fulton Brock, District 1; Andrew Kunasek, District 3 and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Liz Evans, Minutes Coordinator; David Smith, County Manager; Victoria Mangiapane, Deputy County Attorney.

### **L-1. TAX LEVY ADOPTION (LIBRARY DISTRICT)**

Pursuant to A.R.S. §48-3903, the Maricopa County Library District Board of Directors resolves that, based on the budget it has adopted for the Maricopa County Library District, it fixes and determines the Tax Year 2009 tax rate for Maricopa County Library District as follows:

- FY 2009-10 Library District Secondary Tax Rate at \$0.0353 per \$100 of net assessed valuation with a levy of \$20,468,370.

On December 3, 2008 the Board of Directors approved the policy guidelines that the District used to prepare and submit its budget. The budget request has been extensively reviewed by the Office of Management and Budget (OMB). In coordination with the County Manager, the FY 2009-10 Recommended Budget was presented to the Board of Directors and tentatively adopted on May 18, 2009.

The Library District collects property taxes based on the secondary net assessed values of real and personal property. Unlike the primary property tax rate, there is no constitutional limitation on growth for the secondary property tax rate. However, the Maricopa County Library District Board of Directors has chosen to impose growth limitations similar to those imposed on the primary rate in order to minimize the burden on the taxpayers of Maricopa County. As a result, beginning in FY 2006-07 the secondary rate associated with the Maricopa County Library District was capped at 2% annual growth on property taxed in the prior year.

The Maricopa County Library District Secondary Tax Rate in FY 2007-08 was \$0.0391 per \$100 of net assessed valuation, and \$0.0353 per \$100 of net assessed valuation in FY 2008-09. Due to a decline in the total net assessed value of existing property, the self-imposed maximum rate would have increased to \$0.0375 per \$100 of net assessed value. The District Board of Directors, however, has chosen not to increase the tax rate, resulting in a 0.6% reduction in the levy from FY 2008-09. (C-49-10-007-2-00)

Motion to approve by: Director Stapley, Seconded by: Director Brock  
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

### **MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned.

ATTEST:

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Max W. Wilson, Chairman of the Board

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Fran McCarroll, Clerk of the Board